

Message

From: Garretson, Eleanor [Garretson.Eleanor@epa.gov]
Sent: 10/30/2020 5:39:18 PM
To: Wade, Alexis [Wade.Alexis@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]
Subject: FW: RSC Distribution: Action Item - DOI/FWS & DOC/NOAA/NMFS Handbook and NOA for EPA Review: "Endangered Species Act Draft Consultation Handbook: Procedures for Conducting Section 7 Consultations and Conferences"
Attachments: Draft Section 7 Handbook DOC 10_08_2020 Clean.docx; ZC30_Federal Register Notice_Draft Consultation Handbook_08062020 CLEAN VERSION.docx

Hi Alexis and Michele,

Tom recommended forwarding this to you both due to your involvement with ESA matters. FWS and NMFS are circulating draft of revised Section 7 consultation handbook for interagency review and comments. I haven't had a chance to look this over in detail but plan to look more closely at it Monday and attend the briefing next week on 11/6. Happy to coordinate with you both - and whoever else may have comments in OGC - to consolidate any comments and edits, which are due by 11/12 COB.

Thank you!
Eleanor

From: InteragencyReviews <InteragencyReviews@epa.gov>
Sent: Friday, October 30, 2020 11:59 AM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>
Cc: Garretson, Eleanor <Garretson.Eleanor@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Atcherson, Aileen <Atcherson.Aileen@epa.gov>; Banks, Dawn <Banks.Dawn@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Hardy, Michael <Hardy.Michael@epa.gov>; Harris, Monisha <harris.monisha@epa.gov>; Hessert, Aimee <Hessert.Aimee@epa.gov>; InteragencyReviews <InteragencyReviews@epa.gov>; Lamson, Amy <Lamson.Amy@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Schaedle, Candi <Schaedle.Candi@epa.gov>; Tyree, Robin <Tyree.Robin@epa.gov>
Subject: RSC Distribution: Action Item - DOI/FWS & DOC/NOAA/NMFS Handbook and NOA for EPA Review: "Endangered Species Act Draft Consultation Handbook: Procedures for Conducting Section 7 Consultations and Conferences"

Briefing Friday, 11/06, comments due by COB Thursday, 11/12.

These interagency review documents are deliberative and pre-decisional and may not be shared or discussed with anyone outside of the Executive Branch.

Attached for EO 12866 / 13563 interagency review and comment are a draft handbook and associated draft *Federal Register* notice of availability from DOI/FWS & DOC/NOAA/NMFS entitled "***Endangered Species Act Draft Consultation Handbook: Procedures for Conducting Section 7 Consultations and Conferences.***"

Summary: Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary [of DOI and DOC], insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Authority to administer the ESA has been delegated by the Secretary of the Interior to the FWS Director and by the Secretary of Commerce to the NMFS Assistant Administrator. The regulations governing interagency cooperation are at Title 50, part 402, which were revised in 2019. This action updates the Section 7 Handbook, which provides details for the consultation process, including action agency responsibilities and specific consultation procedures.

Note: FWS and NMFS staff will provide interagency reviewers with an overview of the revisions:

Friday, 11/06/2020 at 10:00 EST

Participant Dial-In: Ex. 6 Personal Privacy (PP)

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Process Notes / Tips for Responding

There is no strict response format, however, to facilitate compilation of the Agency's comments, please:

- use "Track Changes" (i.e., redline/strikeout and comment 'bubbles') to directly insert comments into the file(s) and
- for general comments/concerns/observations, add them to a new blank page inserted at the beginning of the file, or provide in a separate MSWord file.

Comments do not require documented management approval, but should represent the views of the commenting AA- / RA-ship.

Typically, an AA- / RA-ship with subject matter expertise takes the lead and coordinates preparation of the Agency's response when an interagency review gives rise to extensive comments, or comments from multiple offices. If no office volunteers to take the lead, OP will likely call on the commenting offices to work together to reconcile and compile their comments in order to ensure the commenters' input is not misinterpreted or misconstrued.

If the Agency has a big stake in the outcome, or its response is extensive and/or potentially controversial, the lead office may choose to draft a transmittal note for OP to use when submitting the comments to OMB.

Please submit comments via your Regulatory Steering Committee (RSC) Representative, or Regional Regulatory Contact (RRC) who should send them to the proxy mailbox, InteragencyReviews@epa.gov. When submitting your comments, please also include your RSC or RRC alternate(s) to help ensure prompt receipt and attention.

Stuart Miles-McLean | Interagency Review Coordinator

Office of Regulatory Policy & Management | Office of Policy | Office of the Administrator

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